

HOUSE JOURNAL
of the
FIFTY–SIXTH LEGISLATURE
of the
STATE OF UTAH

FOURTH SPECIAL SESSION

House Chamber
State Capitol Complex
Salt Lake City, Utah
Tuesday, September 19, 2006

The House was called to order by Speaker Curtis at 2:10 p.m.

Prayer and Pledge of Allegiance by Representative Bradley Last.

On motion of Representative Alexander, the House voted to continue with the same organization for the 2006 Fourth Special Session of the 56th Legislature as set up and constituted during the 2006 General Session of the Legislature insofar as it pertains to the Speakership, Majority Leadership and Minority Leadership.

Speaker Curtis appointed Sandy D. Tenney as Chief Clerk.

The Chief Clerk read the following:

CERTIFICATION

I, GARY R. HERBERT, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued on the 15th day of September, 2006 and signed by Governor Jon M. Huntsman, Jr., is a true and correct copy of the original Proclamation calling the Fifty–Sixth Legislature of the State of Utah into a Fourth Special Session at the Capitol Complex at Salt Lake City, Utah on the 19th day of September, 2006, at 2:00 p.m., for the purpose named in the Proclamation.

I FURTHER CERTIFY THAT the membership of the Utah State House of Representatives has not changed from that of the Certification of the 2006 General Session with the following exception:

TWENTY-THIRD DISTRICT: County of Salt Lake
Jennifer M. Seelig

IN TESTIMONY WHEREOF,
I have hereunto set my hand and
affixed the Great Seal of the
State of Utah, at Salt Lake City,
this 15th day of September,
2006.

GARY R. HERBERT
Lieutenant Governor

Communication filed.

PROCLAMATION

WHEREAS, since the adjournment of the 2006 General Session of the Fifty-Sixth Legislature of the State of Utah, matters have arisen that require immediate legislative attention; and

WHEREAS, Article VII, Section 6 of the Constitution of the State of Utah provides that the Governor may, by proclamation, convene the Legislature into Special Session;

NOW, THEREFORE, I, Jon M. Huntsman, Jr., Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and the Laws of the State of Utah, do by this Proclamation call the Fifty-Sixth Legislature of the State of Utah into a Fourth Special Session at the State Capitol Complex, in Salt Lake City, Utah, on the 19th day of September 2006, at 2:00 p.m., for the following purposes:

1. To consider state and local option funding for transportation; and
2. To consider legislation amending the individual income tax system by modifying tax brackets, modifying the additions to and subtractions from income, and allowing an individual to elect between a single rate tax system and the existing graduated tax system.

IN TESTIMONY WHEREOF,
I have hereunto set my hand and
caused to be affixed the Great
Seal of the State of Utah. Done
at the Capitol Complex in Salt
Lake City, Utah, this 15th day
of September, 2006.

JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

Communication filed.

MISCELLANEOUS BUSINESS

On motion of Representative Lockhart, the House voted to adopt the same House Rules and Joint Rules for the 2006 Fourth Special Session as adopted in the 2006 General Session.

On motion of Representative Ferry, the House voted to authorize the Speaker to appoint a committee to wait upon the Senate to inform that Honorable Body that the House is organized and ready to do business.

The Speaker appointed Representatives Fred Hunsaker, Sheryl Allen, and Jennifer Seelig.

On motion of Representative Becker, the House voted to authorize the Speaker to appoint a committee to meet with a like committee from the Senate to wait upon the Governor to inform him that the House is organized and ready to do business.

The Speaker appointed Representatives James Ferrin, Patrick Painter, and Karen Morgan.

On motion of Representative Alexander, the House voted to consider all House and Senate bills and resolutions acted upon during the 2006 Fourth Special Session be considered under suspension of the rules.

On motion of Representative Alexander, as allowed by the Utah Constitution and Joint Rules of the Legislature, the House voted to continue its practice of reading only the short title of bills and resolutions as they are introduced or considered on a House Calendar and not read the long title of the bills and resolutions unless a majority of the House directs the reading of the long title, short title, or both of any House or Senate bill or resolution.

Representative Allen informed the House of Representatives that her committee has waited upon the Senate and informed them that the House is organized and ready to do business.

Representative Ferrin informed the House of Representatives that the joint committee has waited upon the Governor and informed him that the Legislature is organized and ready to do business.

Senators McCoy, Jenkins, and Bramble formally notified the House of Representatives that the Senate was organized and ready to do business.

INTRODUCTION OF BILL

H.B. 4001, County Option Funding for Regionally Significant Transportation Infrastructure (R. Lockhart), read the first time by short title.

On motion of Representative Lockhart, under suspension of the rules, **H.B. 4001**, was considered read the second time by short title and placed on the Third Reading Calendar.

THIRD READING CALENDAR

H.B. 4001, COUNTY OPTION FUNDING FOR REGIONALLY SIGNIFICANT TRANSPORTATION INFRASTRUCTURE, read the third time by short title and placed on its final passage.

On motion of Representative Lockhart, the House voted to circle **H.B. 4001**.

MISCELLANEOUS BUSINESS

On motion of Representative Alexander, the House voted to saunter for 10 minutes.

On motion of Representative Alexander, the House voted to cease to saunter. Speaker Curtis called the House to order at 2:50 p.m.

UNFINISHED BUSINESS

On motion of Representative Lockhart, the House voted to uncircle **H.B. 4001**.

H.B. 4001, COUNTY OPTION FUNDING FOR REGIONALLY SIGNIFICANT TRANSPORTATION INFRASTRUCTURE, was before the House on its final passage.

Representative Ure proposed the following amendment:

1. Page 47, Lines 1423 through 1426

1423 (3) The council of governments of a county of the first or second
1424 class shall submit the

1424 proposed written prioritization process described in this section to
the { Executive

1425 ~~Appropriations Committee~~ } Transportation Commission
for approval prior to taking final action on the proposed written

1426 prioritization process or any proposed amendment to the written
prioritization process.

Representative Tilton proposed the following substitute amendment:

1. Page 47, Lines 1424 and 1425:
Delete “Executive Appropriations Committee” and insert
“Transportation Interim Committee”

Representative Tilton’s substitute motion to amend failed on a voice vote.

Representative Ure’s motion to amend failed on the following roll call:

Yeas, 34; Nays, 41; Absent or not voting, 0.

Voting in the affirmative were: Representatives

Adams	S. Allen	Bigelow	Bowman
Buttars	Buxton	Cosgrove	D. Cox
Donnelson	Dougall	Duckworth	Dunnigan
Ferry	J. M. Fisher	Gowans	Hansen
Hardy	Hendrickson	Hogue	Holdaway
E. Hutchings	B. Johnson	Lawrence	Mascaro
McGee	Menlove	Murray	Painter
Romero	Shurtliff	G. Snow	Ure
Wyatt	Curtis		

Voting in the negative were: Representatives

Aagard	Alexander	Barrus	Becker
Biskupski	Christensen	D. Clark	S. Clark
Daw	Dayton	Dee	Ferrin
Julie Fisher	Fowlke	Frank	Gibson
Harper	Hughes	Hunsaker	Jones
King	Kiser	Last	Litvack
Lockhart	Mathis	Morgan	Morley
Moss	Newbold	Noel	Oda
Ray	Seelig	Tilton	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wiley			

###

Representative S. Clark proposed the following amendment:

1. Page 47, Lines 1423–1426:
Delete lines 1423 through 1426.

Representative Ferrin proposed the following substitute motion to amend:

1. Page 47, Line 1423:
Delete “or second”

Representative Ferrin’s substitute motion to amend failed on the following roll call:

Yeas, 29; Nays, 41; Absent or not voting, 5.

Voting in the affirmative were: Representatives

Aagard	S. Allen	Barrus	Bowman
Buxton	S. Clark	D. Cox	Dayton
Dee	Donnelson	Ferrin	Ferry
Julie Fisher	Frank	Gibson	Hardy
Hogue	E. Hutchings	B. Johnson	Mascaro
Mathis	Menlove	Murray	Noel
Painter	G. Snow	Wheeler	Wyatt
Curtis			

Voting in the negative were: Representatives

Alexander	Becker	Bigelow	Biskupski
Buttars	Christensen	Cosgrove	Daw
Dougall	Duckworth	J. M. Fisher	Fowlke
Gowans	Harper	Hendrickson	Holdaway
Hughes	Hunsaker	Jones	Kiser
Last	Lawrence	Litvack	Lockhart
McGee	Morgan	Morley	Moss
Newbold	Oda	Ray	Romero
Seelig	Shurtliff	Tilton	Ure
Urquhart	Walker	Wallace	Wheatley
Wiley			

Absent or not voting were: Representatives

Adams	D. Clark	Dunnigan	Hansen
King			

Representative S. Clark’s motion to amend failed on the following roll call:

Yeas, 25; Nays, 47; Absent or not voting, 3.

Voting in the affirmative were: Representatives

S. Allen	Becker	Biskupski	Buttars
S. Clark	Cosgrove	Donnelson	Ferrin
Gowans	Hendrickson	Hogue	Holdaway
E. Hutchings	Jones	King	Mascaro
Mathis	McGee	Menlove	Murray
Romero	Seelig	G. Snow	Ure
Wyatt			

Voting in the negative were: Representatives

Agard	Adams	Alexander	Barrus
Bigelow	Bowman	Buxton	Christensen
D. Clark	D. Cox	Daw	Dee
Dougall	Duckworth	Dunnigan	Ferry
J. M. Fisher	Julie Fisher	Fowlke	Frank
Gibson	Hardy	Harper	Hughes
Hunsaker	B. Johnson	Kiser	Last
Lawrence	Litvack	Lockhart	Morgan
Morley	Newbold	Noel	Oda
Painter	Ray	Shurtliff	Tilton
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Curtis	

Absent or not voting were: Representatives

Dayton	Hansen	Moss
--------	--------	------

###

Representative Hogue proposed the following amendment:

1. Page 52, Line 1603:
After "class" delete "and" and insert a period.
2. Page 52, Line 1604:
After "projects" insert "and shall not supplant monies already designated for state projects"
3. Page 52, Line 1605:
After "(5) The" insert "additional"

Representative Hogue's motion to amend passed on a voice vote.

H.B. 4001, as amended, passed on the following roll call:

Yeas, 55; Nays, 19; Absent or not voting, 1.

Voting in the affirmative were: Representatives

Aagard	Adams	Alexander	S. Allen
Becker	Biskupski	Bowman	Buttars
Buxton	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dee	Dougall
Ferry	Julie Fisher	Fowlke	Frank
Gibson	Hardy	Hendrickson	Holdaway
Hughes	Hunsaker	B. Johnson	Jones
Last	Lawrence	Litvack	Lockhart
Mascaro	McGee	Menlove	Morgan
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Seelig	Shurtliff	G. Snow	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Curtis	

Voting in the negative were: Representatives

Barrus	Bigelow	Christensen	Dayton
Donnelson	Duckworth	Dunnigan	Ferrin
J. M. Fisher	Gowans	Hansen	Harper
Hogue	E. Hutchings	Kiser	Mathis
Morley	Tilton	Wyatt	

Absent or not voting was: Representative
King

H.B. 4001, as amended, transmitted to the Senate for its consideration.

INTENT LANGUAGE FOR H.B. 4001

On motion of Representative Mathis, the House voted to print the following intent language in the House Journal.

It is the intent of the Legislature that in passing this **H.B. 4001** counties not supplant revenues currently being used by the county for transportation projects with the revenues generated by a sales and use tax imposed by a county under this **H.B. 4001**.

MISCELLANEOUS BUSINESS

On motion of Representative Alexander, the House voted to saunter.

On motion of Representative Alexander, the House voted to cease to saunter. The House was called to order at 4:35 p.m.

COMMUNICATION FROM THE SENATE

Mr. Speaker:

September 19, 2006

The Senate passed **S.B. 4001**, INCOME TAX AMENDMENTS, by Senator C. Bramble, with the following amendments:

1. Page 1, Lines 12 through 14:

12 This bill:

13 ► modifies tax brackets for taxable years beginning on or after January 1, 2006;

► for taxable years beginning on or after January 1, 2009, requires individual income tax brackets to be adjusted for changes in the consumer price index;

14 ► modifies additions to and subtractions from federal taxable income for purposes of

2. Page 9, Line 250 through Page 10, Line 287:

250 Section 2. Section 59–10–104 is amended to read:

251 59–10–104. Tax basis — Rates — Exemption.

252 (1) Except as provided in Subsection {–(4)–} (5) or Part 12, Single Rate Individual Income Tax

253 Act, for taxable years beginning on or after January 1, [2001] 2006, a tax is imposed on the

254 state taxable income[, as defined in Section 59–10–112,] of every resident individual as

255 provided in this section.

256 (2) For an individual, other than a husband and wife or head of household required to

257 use the tax table under Subsection (3), the tax under this section is imposed in accordance with

258 the following {–table–} income brackets :

259 If the state taxable income is:

The tax is:

- 260 Less than or equal to [~~\$863~~] \$1,105
2.3% of the state taxable income
- 261 Greater than [~~\$863~~] \$1,105 but less than
[~~\$20~~] \$25, plus 3.3% of state taxable
- 262 or equal to [~~\$1,726~~] \$2,208
income greater than [~~\$863~~] \$1,105
- 263 Greater than [~~\$1,726~~] \$2,208 but less than
[~~\$48~~] \$62, plus 4.2% of state taxable
- 264 or equal to [~~\$2,588~~] \$3,313
income greater than [~~\$1,726~~] \$2,208
- 265 Greater than [~~\$2,588~~] \$3,313 but less than
[~~\$85~~] \$108, plus 5.2% of state taxable
- 266 or equal to [~~\$3,450~~] \$4,416
income greater than [~~\$2,588~~] \$3,313
- 267 Greater than [~~\$3,450~~] \$4,416 but less than
[~~\$129~~] \$166, plus 6% of state taxable
- 268 or equal to [~~\$4,313~~] \$5,521
income greater than [~~\$3,450~~] \$4,416
- 269 Greater than [~~\$4,313~~] \$5,521
[~~\$181~~] \$232, plus 7% of state taxable
- 270
income greater than [~~\$4,313~~] \$5,521
- 271 (3) For a husband and wife filing a single return jointly, or a
head of household as
- 272 defined in Section 2(b), Internal Revenue Code, filing a single
return, the tax under this section
- 273 is imposed in accordance with the following
{-table-} income brackets :
- 274 If the state taxable income is:
The tax is:
- 275 Less than or equal to [~~\$1,726~~] \$2,210
2.3% of the state taxable income
- 276 Greater than [~~\$1,726~~] \$2,210 but less than
[~~\$40~~] \$51, plus 3.3% of state taxable

- 277 or equal to [~~\$3,450~~] \$4,416
income greater than [~~\$1,726~~] \$2,210
- 278 Greater than [~~\$3,450~~] \$4,416 but less than
[~~\$97~~] \$124, plus 4.2% of state taxable
- 279 or equal to [~~\$5,176~~] \$6,626
income greater than [~~\$3,450~~] \$4,416
- 280 Greater than [~~\$5,176~~] \$6,626 but less than
[~~\$169~~] \$216, plus 5.2% of state taxable
- 281 or equal to [~~\$6,900~~] \$8,832
income greater than [~~\$5,176~~] \$6,626
- 282 Greater than [~~\$6,900~~] \$8,832 but less than
[~~\$259~~] \$331, plus 6% of state taxable
- 283 or equal to [~~\$8,626~~] \$11,042
income greater than [~~\$6,900~~] \$8,832
- 284 Greater than [~~\$8,626~~] \$11,042
[~~\$362~~] \$464, plus 7% of state taxable
- 285

income greater than [~~\$8,626~~] \$11,042

(4) (a) For taxable years beginning on or after January 1, 2009, the commission shall:

(i) make the following adjustments to the income brackets under Subsection (2):

(A) increase or decrease the income brackets under Subsection (2) by a percentage equal to the percentage difference between the consumer price index for the preceding calendar year and the consumer price index for the calendar year 2007; and

(B) after making an increase or decrease under Subsection (4)(a)(i)(A), round the income brackets under Subsection (2) to the nearest whole dollar;

(ii) after making the adjustments described in Subsection (4)(a)(i) to the income brackets under Subsection (2), adjust the income brackets under Subsection (3) so that for each income bracket under Subsection (2) there is a corresponding income bracket under Subsection (3) that is equal to the product of:

(A) each income bracket under Subsection (2); and

(B) two; and

(iii) to the extent necessary to reflect an adjustment under Subsection (4)(a)(i) or (ii):

(A) increase or decrease the amount of tax under Subsection (2) or (3) prior to adding in the portion of the tax calculated as a percentage of state taxable income; and

(B) after making an increase or decrease under Subsection (4)(a)(iii)(A), round the amount of tax under Subsection (2) or (3) to the nearest whole dollar.

(b) The commission may not increase or decrease the tax rate percentages provided in Subsection (2) or (3).

(c) For purposes of Subsection (4)(a)(i), the commission shall calculate the consumer price index as provided in Sections 1(f)(4) and 1(f)(5), Internal Revenue Code.

286 {-(4)-} (5) This section does not apply to a resident individual exempt from taxation under

287 Section 59–10–104.1.

and it is transmitted for consideration

Annette B. Moore

Secretary of the Senate

Communication filed. **S.B. 4001.** read the first time by short title.

On motion of Representative Harper, under suspension of the rules, the House voted to consider **S.B. 4001** read the second time by short title and placed on the Third Reading Calendar.

THIRD READING CALENDAR

S.B. 4001, INCOME TAX AMENDMENTS, read the third time by short title and placed on its final passage.

Representative Dunnigan proposed the following amendment:

1. Page 9, Line 260:
Delete “\$1,105” and insert “\$1,000”
2. Page 9, Line 261:
Delete “\$1,105” and insert “\$1,000” and delete “\$25” and insert “\$23”
3. Page 9, Line 262:
Delete “\$2,208” and insert “\$2,000” and delete “\$1,105” and insert “\$1,000”
4. Page 9, Line 263:
Delete “\$2,208” and insert “\$2,000” and delete “\$62” and insert “\$56”

5. Page 9, Line 264:
Delete "\$3,313" and insert "\$3,000" and delete "\$2,208" and insert "\$2,000"
6. Page 9, Line 265:
Delete "\$3,313" and insert "\$3,000" and delete "\$108" and insert "\$98"
7. Page 9, Line 266:
Delete "\$4,416" and insert "\$4,000" and delete "\$3,313" and insert "\$3,000"
8. Page 9, Line 267:
Delete "\$4,416" and insert "\$4,000" and delete "\$166" and insert "\$150"
9. Page 9, Line 268:
Delete "\$5,521" and insert "\$5,500" and delete "\$4,416" and insert "\$4,000"
10. Page 9, Line 269:
Delete "\$5,521" and insert "\$5,500" and delete "\$232" and insert "\$240" and bracket "7%" and insert "6.95%"
11. Page 9, Line 270:
Delete "\$5,521" and insert "\$5,500"
12. Page 9, Line 275:
Delete "\$2,210" and insert "\$2,000"
13. Page 10, Line 276:
Delete "\$2,210" and insert "\$2,000" and delete "\$51" and insert "\$46"
14. Page 10, Line 277:
Delete "\$4,416" and insert "\$4,000" and delete "\$2,210" and insert "\$2,000"
15. Page 10, Line 278:
Delete "\$4,416" and insert "\$4,000" and delete "\$124" and insert "\$112"
16. Page 10, Line 279:
Delete "\$6,626" and insert "\$6,000" and delete "\$4,416" and insert "\$4,000"

17. Page 10, Line 280:
Delete “\$6,626” and insert “\$6,000” and delete “\$216” and insert “\$196”
18. Page 10, Line 281:
Delete “\$8,832” and insert “\$8,000” and delete “\$6,626” and insert “\$6,000”
19. Page 10, Line 282:
Delete “\$8,832” and insert “\$8,000” and delete “\$331” and insert “\$300”
20. Page 10, Line 283:
Delete “\$11,042” and insert “\$11,000” and delete “\$8,832” and insert “\$8,000”
21. Page 10, Line 284:
Delete “\$11,042” and insert “\$11,000” and delete “\$464” and insert “\$480” and bracket “7%” and insert “6.95%”
22. Page 10, Line 285:
Delete “\$11,042” and insert “\$11,000”

Representative Dunnigan’s motion to amend passed on a voice vote.

###

Representative Litvack proposed the following amendment:

1. Page 1, Lines 16 through 23
 - 16 ▶ enacts the Single Rate Individual Income Tax Act:
 - 17 • for taxable years beginning on or after January 1, 2007;
 {–and–}
 - 18 • that allows a resident or nonresident individual to
 determine each time the
 - 19 resident or nonresident individual files a state individual income
 tax return or
 - 20 amended return, whether to calculate and pay a single rate
 individual income tax
 - 21 on the basis of adjusted gross income or pay a multi–rate individual
 income tax

22 on the basis of federal taxable income; and

- that requires the Governor's Office of Economic Development to annually report to the Revenue and Taxation Interim Committee on issues relating to the relationship between the Single Rate Individual Income Tax Act and economic growth;

23 ► enacts, modifies, and repeals definitions;

2. Page 2, Lines 53 through 54:

53 59–10–1207, Utah Code Annotated 1953

59–10–1208, Utah Code Annotated 1953

54 REPEALS:

3. Page 35, Line 1078:

1078 (v) Part 8, Limited Liability Companies.

Section 19. Section 59–10–1208 is enacted to read:

59–10–1208. Annual report by the Governor's Office of Economic Development to the Revenue and Taxation Interim Committee.

Beginning with the 2009 interim, the Governor's Office of Economic Development shall annually present a written report to the Revenue and Taxation Interim Committee on or before the November interim meeting summarizing for the taxable year two years prior to the year in which the Governor's Office of Economic Development presents the report:

(1) the types of businesses that have:

(a) located in the state; or

(b) substantially expanded within the state;

(2) the criteria that the Governor's Office of Economic Development used in determining whether the businesses described in Subsection (1):

(a) located in the state; or

(b) substantially expanded within the state;

(3) the extent to which the businesses described in Subsection (1):

(a) make a substantial capital investment in the state;

(b) bring new dollars into the state such that the businesses export goods or services outside of the state, not just recirculate existing dollars;
and

(c) pay higher than average wages in the areas in which the businesses are located;

(4) for the businesses described in Subsection (1), the extent to

which the option for individuals related to those businesses to calculate and pay a tax under this part was a factor in determining whether to:

(a) locate in the state; or

(b) substantially expand within the state; and

(5) for the businesses described in Subsection (1), whether the option for individuals related to those businesses to calculate and pay a tax under this part produces economic growth as determined by state economic modeling formulas.

Renumber remaining sections accordingly.

Representative Litvack's motion to amend failed on the following roll call:

Yeas, 30; Nays, 42; Absent or not voting, 3.

Voting in the affirmative were: Representatives

S. Allen	Becker	Biskupski	Bowman
Cosgrove	D. Cox	Duckworth	J. M. Fisher
Julie Fisher	Gowans	Hansen	Hendrickson
Holdaway	E. Hutchings	Jones	King
Lawrence	Litvack	Mascaro	McGee
Menlove	Morgan	Moss	Romero
Seelig	Shurtliff	G. Snow	Ure
Wheatley	Wiley		

Voting in the negative were: Representatives

Aagard	Adams	Barrus	Buttars
Buxton	Christensen	D. Clark	S. Clark
Daw	Dayton	Dee	Donnelson
Dougall	Dunnigan	Ferrin	Ferry
Fowlke	Frank	Gibson	Hardy
Harper	Hogue	Hughes	Hunsaker
B. Johnson	Kiser	Last	Mathis
Morley	Murray	Newbold	Noel
Oda	Painter	Ray	Tilton
Urquhart	Walker	Wallace	Wheeler
Wyatt	Curtis		

Absent or not voting were: Representatives

Alexander	Bigelow	Lockhart
-----------	---------	----------

###

Representative Ure proposed the following amendment:

1. Page 1, Lines 12 through 17

12 This bill:

13 ► modifies tax brackets for taxable years beginning on or
after January 1, {~~-2006-~~} 2007 ;

14 ► modifies additions to and subtractions from federal
taxable income for purposes of

15 calculating individual income taxes;

16 ► enacts the Single Rate Individual Income Tax Act:

17 • for taxable years beginning on or after January 1,
{~~-2007-~~} 2008 ; and

2. Page 2, Lines 29 through 30:

29 Monies Appropriated in this Bill:

30 {~~-None-~~} This bill:

► appropriates \$70,000,000 for fiscal year 2006–07 only, from the
Uniform School Fund to the Division of Finance for public education,
places conditions on the expenditure of the appropriation, and makes the
appropriation nonlapsing.

3. Page 2, Lines 31 through 32:

31 Other Special Clauses:

32 This bill provides {~~-an-~~} effective {~~-date and provides~~
~~for retrospective operation-~~} dates .

4. Page 9, Lines 252 through 255:

252 (1) Except as provided in Subsection (4) or Part 12, Single Rate
Individual Income Tax

253 Act, for taxable years beginning on or after January 1, [2004]
{~~-2006~~} 2007 , a tax is imposed on the

254 state taxable income[, as defined in Section 59–10–112,] of every
resident individual as

255 provided in this section.

5. Page 31, Line 957 through Page 32, Line 958:

957 (1) For taxable years beginning on or after January 1,
~~{-2007 }~~ 2008 , a resident or nonresident
 958 individual may calculate and pay a tax under this section as
provided in this part.

6. Page 32, Line 988 through Page 33, Line 991:

988 (b) If a resident or nonresident individual files an amended
return for a taxable year
 989 beginning on or after January 1, {-2007 } 2008 , the
resident or nonresident individual may determine
 990 whether to calculate and pay a tax under this section as provided in
this part for that taxable
 991 year.

7. Page 36, Lines 1085 through 1090:

1085 Section 59-10-112, State taxable income of a resident individual.

Section 20. Appropriation.

(1) There is appropriated for fiscal year 2006-07 only, from the
Uniform School Fund, \$70,000,000 to the Division of Finance within the
Department of Administrative Services for the support of public
education.

(2) The Division of Finance may not expend the monies
appropriated under Subsection (1) until further directed by the
Legislature.

(3) The Legislature intends that the monies appropriated under
Subsection (1) not lapse at the end of fiscal year 2006-07.

1086 Section {-20-} 21 . Effective {-date——
 Retrospective-operation-} dates .

1087 (1) Except as provided in Subsection (2), this bill takes effect
for taxable years

1088 beginning on or after January 1, {-2007 } 2008 .

1089 (2) The amendments in this bill to Section 59-10-104
~~{-have retrospective operation }~~ take effect for

1090 taxable years beginning on or after January 1,
~~{-2006 }~~ 2007 .

Representative Ure's motion to amend failed on the following roll call:

Yeas, 32; Nays, 40; Absent or not voting, 3.

Voting in the affirmative were: Representatives

S. Allen	Barrus	Becker	Bigelow
Biskupski	Bowman	Cosgrove	D. Cox
Duckworth	J. M. Fisher	Gowans	Hansen
Hardy	Hendrickson	Holdaway	E. Hutchings
Jones	King	Lawrence	Litvack
Mascaro	McGee	Menlove	Morgan
Moss	Murray	Romero	Seelig
Shurtliff	Ure	Wheatley	Wiley

Voting in the negative were: Representatives

Aagard	Adams	Alexander	Buttars
Buxton	Christensen	D. Clark	S. Clark
Daw	Dayton	Dee	Donnelson
Ferrin	Ferry	Julie Fisher	Fowlke
Frank	Gibson	Harper	Hogue
Hughes	Hunsaker	B. Johnson	Kiser
Last	Mathis	Morley	Newbold
Noel	Oda	Painter	Ray
G. Snow	Tilton	Urquhart	Walker
Wallace	Wheeler	Wyatt	Curtis

Absent or not voting were: Representatives

Dougall	Dunnigan	Lockhart
---------	----------	----------

###

Representative D. Clark proposed the following amendment:

1. Page 9, Line 269:
Delete "6.95%" and insert "6.98%"
2. Page 10, Line 284:
Delete "6.95%" and insert "6.98%"

Representative D. Clark's motion to amend passed on a voice vote.

S.B. 4001, as amended, passed on the following roll call:

Yeas, 49; Nays, 25; Absent or not voting, 1.

Voting in the affirmative were: Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Bigelow	Buttars	Buxton
Christensen	D. Clark	S. Clark	Daw
Dayton	Dee	Donnelson	Dougall
Dunnigan	Ferrin	Ferry	J. M. Fisher
Julie Fisher	Fowlke	Frank	Gibson
Hardy	Harper	Hogue	Hughes
E. Hutchings	B. Johnson	Kiser	Last
Lockhart	Mathis	Morgan	Morley
Newbold	Noel	Oda	Painter
Ray	G. Snow	Tilton	Urquhart
Walker	Wallace	Wheeler	Wyatt
Curtis			

Voting in the negative were: Representatives

Becker	Biskupski	Bowman	Cosgrove
D. Cox	Duckworth	Gowans	Hansen
Hendrickson	Holdaway	Hunsaker	Jones
King	Lawrence	Litvack	Mascaro
McGee	Menlove	Moss	Murray
Romero	Seelig	Shurtliff	Wheatley
Wiley			

Absent or not voting was: Representative
Ure

S.B. 4001, as amended, returned to the Senate for further consideration.

MISCELLANEOUS BUSINESS

On motion of Representative Alexander, the House voted to saunter.

On motion of Representative Alexander, the House voted to cease to saunter.
The House was called to order at 7:00 p.m.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker:

September 19, 2006

The Senate passed, as amended, **H.B. 4001**, COUNTY OPTION FUNDING
FOR REGIONALLY SIGNIFICANT TRANSPORTATION

INFRASTRUCTURE, by Representative R. Lockhart, and it is transmitted for further consideration.

Annette B. Moore
Secretary of the Senate

Communication filed. On motion of Representative Lockhart, the House voted to concur in the Senate amendments to **H.B. 4001**.

H.B. 4001, as amended by the Senate, passed on the following roll call:

Yeas, 55; Nays, 15; Absent or not voting, 5.

Voting in the affirmative were: Representatives

Aagard	Adams	Alexander	S. Allen
Becker	Bowman	Buttars	Buxton
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dee	Dougall	Duckworth
Ferrin	Ferry	Julie Fisher	Fowlke
Frank	Gibson	Hardy	Hendrickson
Holdaway	Hunsaker	B. Johnson	Jones
King	Last	Lawrence	Litvack
Lockhart	Mascaro	McGee	Menlove
Morgan	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Seelig	Shurtliff	G. Snow
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Curtis	

Voting in the negative were: Representatives

Barrus	Bigelow	Christensen	Dayton
Donnelson	Dunnigan	J. M. Fisher	Gowans
Hansen	Hogue	E. Hutchings	Kiser
Mathis	Morley	Wyatt	

Absent or not voting were: Representatives

Biskupski	Harper	Hughes	Tilton
Ure			

H.B. 4001, as amended by the Senate, transmitted to the Senate for signature of the President.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker: September 19, 2006

The Senate concurred in the House amendments to **S.B. 4001**, INCOME TAX AMENDMENTS, by Senator Bramble, and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate

Communication filed. **S.B. 4001** signed by the Speaker and returned to the Senate for signature of the President, enrolling, and transmission to the Governor.

* * *

Mr. Speaker: September 19, 2006

The Senate passed, **H.B. 4001**, COUNTY OPTION FUNDING FOR REGIONALLY SIGNIFICANT TRANSPORTATION INFRASTRUCTURE, by Representative R. Lockhart, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate

Communication filed. **H.B. 4001** signed by the Speaker and referred to staff for enrolling and transmission to the Governor.

MISCELLANEOUS BUSINESS

On motion of Representative Urquhart, the House voted to authorize the Speaker to appoint a committee to wait upon the Governor and inform him that the House of Representatives has completed its business and is prepared to adjourn sine die.

The Speaker appointed Representative Harper, Wallace, and McGee.

Representative Harper reported that his committee has waited upon the Governor and informed him that the House of Representatives is prepared to adjourn sine die. The Governor has no further business to bring before the House.

On motion of Representative Alexander, the House voted to authorize the Speaker to appoint a committee to wait upon the Senate and inform them that the House of Representatives has completed its business and is prepared to adjourn sine die.

The Speaker appointed Representatives Wyatt, Frank, and Shurtliff.

Representative Wyatt reported that his committee has waited upon the Senate and informed them that the House of Representatives has completed its business and is prepared to adjourn sine die.

Speaker Curtis directed Sandy Tenney to read, revise and make minor corrections to the daily House Journal and be responsible for certifying the bound copy as the accurate record of the proceedings of the 2006 Fourth Special Session of the Fifty–Sixth Legislature.

On motion of Representative Alexander, the Fourth Special Session of the Fifty–Sixth Legislature adjourned sine die.

HOUSE JOURNAL PAGE INDEX

H.B. 4001 COUNTY OPTION FUNDING FOR REGIONALLY SIGNIFICANT TRANSPORTATION INFRASTRUCTURE
(*R. Lockhart*)

Read the first time by short title	4
Read the second time	4
Read the third time	4
Circled	4
Uncircled	4
Amendments	4
Transmitted to the Senate	8
Intent Language	8
Concurrence	21
Signed by the Speaker and transmitted to the Governor	22

S.B. 4001 INCOME TAX AMENDMENTS (*C. Bramble*)

Read the first time by short title	12
Read the second time	12
Read the third time	12
Amendments	9, 12, 19
Returned to the Senate	20
Signed by the Speaker and returned to the Senate	22